

# **WILLIAMSBURG PLANNING COMMISSION MINUTES**

**Wednesday, June 20, 2007**

The regular monthly meeting of the Williamsburg Planning Commission was held on Wednesday, June 20, 2007, at 3:30 p.m. in the Council Chambers at the Stryker Building, 412 North Boundary Street.

## **CALL TO ORDER and ATTENDANCE**

Chairman Pons called the meeting to order. Present in addition to Mr. Pons were Commissioners Kafes, Young, Joseph, Hertzler and McBeth. Commissioner Driscoll arrived late. Staff members present were Planning Director Nester, Deputy Planning Director Murphy, Zoning Administrator Rhodes, Assistant City Attorney Workman and Secretary Scott.

## **MINUTES**

Mr. Hertzler moved that the minutes of the May 16 regular meeting be approved as submitted. Mrs. McBeth seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye: Pons, Kafes, Hertzler, Young, McBeth, Joseph  
Nay: None  
Absent: Driscoll

## **MATTERS OF SPECIAL PRIVILEGE**

Chairman Pons read the following resolution in recognition of retiring Planning Commission member and past Chairman Jesse Young.

## **RESOLUTION**

**WHEREAS**, Jesse Young was appointed to the Williamsburg Planning Commission on September 9, 1999, and has served with distinction for eight years, his tenure ending on June 30, 2007;

**WHEREAS**, he served as Second Vice Chairman for one year, and presided as Chairman of the Commission from 2004 to 2006; and

**WHEREAS**, he ably led the Commission during the preparation of the 2006 Comprehensive Plan, which was recommended for approval by the Planning Commission in July 2006 after an extensive two year review process of 41 work sessions, seven public forums, and a formal public hearing, and which was adopted by City Council in October 2006; and

**WHEREAS**, he provided leadership, expertise and guidance to the Commission and the City during the first phase of the revision of the Zoning Ordinance based on the recommendations of the 2006 Comprehensive Plan; and

**WHEREAS**, he also served as Chairman of the Architectural Review Board for six years from 1993 until he was appointed to the Planning Commission in 1999, reviewing over 1,200 cases and helping to preserve the visual and architectural character of the City through his knowledge of and interest in urban design issues.

**NOW, THEREFORE, BE IT RESOLVED** that the Williamsburg Planning Commission, on June 20, 2007, hereby records its appreciation to Jesse Young for his outstanding service on the Commission as both member and Chairman.

[Mr. Driscoll arrived.]

Mr. Joseph reiterated the fact that contrary to comments that the Commission was trying to rush through the Comprehensive Plan preparation, the review process involved two years with ample citizen notification of work sessions, public hearings and public forums. He thanked Mr. Young for his years of service to the City of Williamsburg and moved that the Resolution be approved by acclamation.

Mr. Young thanked Commission members and said it had been his pleasure to work with them.

## **CONSENT AGENDA**

There were no cases on the Consent Agenda this month.

## **PUBLIC HEARINGS**

There were no cases for Public Hearing this month.

## **OPEN FORUM**

Chairman Pons opened the Open Forum portion of the meeting encouraging comments from the audience on any topic.

Planning Director Nester stated that if they had had the opportunity, staff also would have endorsed the Resolution in recognition of Mr. Young.

Mr. Nester introduced Stanley Skinner, the new Code Compliance Administrator. Mr. Skinner replaces John Catlett who previously served in that capacity. Chairman Pons welcomed Mr. Skinner to the City.

**Cindy Pistorese**, 404 Idlewood Lane, noted the letter she wrote to Zoning Administrator Rhodes which is included in Commissioner's information packets. She also stated that Victor Smith's letter to the Commission expresses valid points regarding the request for a waiver to allow the construction of a single-family dwelling on slopes in excess of 30%. She requested the Commission postpone their decision on SPR #07-

003 until concerns expressed by both Mr. Smith and her are addressed. She added that she has talked with the applicants and knows they have the best of intentions, but at this point they don't even know how large the house will be.

**Flora Adams**, 715 Goodwin Street, said she is concerned with the scale of buildings and suggested a practice be adopted whereby buildings taller than 35' are outlined in some way on the site so as to avoid a repeat of the behemoth at 408 Griffin Avenue. Mrs. Adams urged the Commission to consider such a requirement; if not, she is worried we will regret it.

**Vic Smith**, 646 Counselor's Way, noted his letter to Commission members regarding **PCR #07-020 Addition of Article XII, Floodplain Regulations to the Zoning Ordinance** which is scheduled for a public hearing on July 18, and site plan **SPR #07-003 Ford, 406 Griffin Avenue – Request for waiver of 30% slopes** which is coming before the Commission today. He suggested the Griffin Avenue property is a problem as proposed because it does not meet the Statement of Intent for the addition of Article XII, FEMA, Section 21-955, and asked that Commission members vote against the waiver.

There being no additional comment the Open Forum was closed.

## **SITE PLANS AND SUBDIVISIONS**

**SPR #07-002: 5151-5241 Mooretown Road – mini-storage warehouse (671 storage units in three buildings). The Commission approved the site plan with conditions by a vote of 6-1.**

Zoning Administrator Rhodes reviewed the memorandum dated June 15, 2007 stating a special use permit for the project was approved with conditions by City Council on June 14, 2007. He noted the applicants' presence as well as their engineer, Charles Newbaker.

Commissioner Hertzler said that with the tiny windows on the long building, it looks like the Virginia Regional Jail building; he asked if the line could be broken up to remove this jail element. In response to Mr. Driscoll's question whether the windows are functioning, Mr. Nester said they are simulated; you cannot see through them and are an attempt to break up the mass of the building. Mr. Driscoll asked if the windows could be made wider, however, Chairman Pons pointed out that City Council has already approved the plans.

Mr. Hertzler moved that the Commission approve the site plan and the building elevations subject to the correction of minor engineering details to the satisfaction of City staff and completion of the following:

1. Completion of the following prior to the issuance of any land disturbing permits or building permits for the project:

- a. Record a plat extinguishing the interior property lines.
  - b. Obtain CSX permission to bore the waterline under the railroad track.
  - c. Obtain York County approval to receive the sanitary sewer flows from this project.
  - d. Obtain a VSMP (Virginia Stormwater Management Program) permit from the State.
  - e. Obtain VDOT approval for the entrances for the project.
  - f. Obtain approval of a BMP maintenance agreement by the City.
  - g. Purchase regional access credits from the City in the amount of \$8,850.00.
2. Completion of the following prior to the issuance of any certificate of occupancy:
  - a. Abandon the existing septic and well water systems to Virginia Department of Health Standards.
  - b. Obtain certification by a licensed professional that the construction of the BMP and the site improvements are in accordance with the approved site plan.

Mr. Hertzler also moved approval conditioned on the construction of the exterior elevations in accordance with the elevations submitted with the special use permit for Building 1 and the colored renderings. Materials shall be brick, cementitious siding and either aluminum clad or vinyl clad windows. The use of metal, vinyl or aluminum siding shall not be permitted.

Mr. Joseph stated that he is still in a quandary over the four story buildings and will vote against the motion.

Mr. Pons seconded the motion which carried by roll call vote of 6-1.

Recorded vote on the motion:

Aye: Pons, Kafes, Hertzler, Young, McBeth, Driscoll

Nay: Joseph

Absent: None

**SPR #07-003: 406 Griffin Avenue – 30% slope waiver for new single family dwelling. The Commission approved the slope waiver with conditions by a vote of 7-0.**

Zoning Administrator Rhodes reviewed the memorandum dated June 15, 2007 in which it is noted that the unusual topography of 406 Griffin Avenue is created by the drainage way that runs through the parcel which renders the site unbuildable without a waiver. The applicant proposes to fill an area along Griffin Avenue for a driveway and connection to the public sewer. A portion of the proposed dwelling will also encroach an area with slopes in excess of 30%. This section of the proposed dwelling will be constructed on pilings. The applicant proposes using the lower level of the house for storage. The proposed finished floor of the dwelling will be fifteen feet above the 100-Year Flood Elevation. The maximum height of dwellings in the RS-2 District is 35 feet. On Corner lots the height is measured from the average grade adjoining the exterior of

the building walls along the street sides of the building to the mean height level between eaves and ridge for a gable, hip or gambrel roof. Mr. Rhodes added that the owners, Zenas and Mary Ann Ford, are present for questions.

Mr. Driscoll said problems already exist in the Pollard Park area and expressed concern with who will fix problems in the future. He added that he does not have a lot of faith in the 100-year flood plain map and would like an approval to be conditional. Mr. Rhodes noted that we cannot expect the current owners to pay for problems that previously existed. Mr. Hertzler said a way needs to be found to build on this lot or the City needs to buy the property; the onus should not be placed on the property owner. As long as the water passes through there should be no problem, just don't allow any constriction of the flow. Mr. Joseph said he'd like to have more details on the plans such as the pilings.

Mr. Kafes asked to be absolutely clear on the requirements of Article XII, Floodplain Regulations to the Zoning Ordinance. He asked if under the Article, which will be discussed at the Planning Commission meeting on July 18, the waiver would require a variance. Mr. Rhodes responded that the FEMA map does not show this property as an affected location.

Mr. Pons asked what the next step will be if the waiver is approved tonight and Mr. Rhodes responded that the site plan will be reviewed and approved administratively; it will not be returning to the Commission for further review. Mrs. McBeth asked who would be responsible for maintenance of the private driveway at the rear of the property, and Assistant City Attorney Workman answered it would probably be the responsibility of the property owner since it's a private driveway. Mr. Young suggested the Commission's obligation is to review the request for a waiver for construction on slopes in excess of 30%, and with adequate conditions placed on approval the applicant should be able to move forward.

Mr. Kafes moved that the request for a waiver from the 30% slopes be approved with the conditions that there will be no filling on the site below elevation 44.25 feet (100-Year Flood Elevation), and that the building plans are developed in such a manner as shall satisfy the City Engineer that the intended development of the property will not cause unacceptable increases in flood heights, velocities and/or frequencies. Mr. Pons seconded the motion which carried by roll call vote of 7-0.

Recorded vote on the motion:

Aye: Pons, Kafes, Hertzler, Young, McBeth, Joseph, Driscoll

Nay: None

Absent: None

**OLD BUSINESS** -- None

**NEW BUSINESS** -- None

## **OTHER**

### **East Lafayette Street Landscape Enhancement Plan – Beautification Advisory Committee.**

Deputy Planning Director Murphy presented the East Lafayette Street Landscape Enhancement Plan which has been forwarded to the Commission by the Beautification Advisory Committee. She said the proposal covers an area from the intersection of Lafayette and North Henry Street to the wooded area across from the Colonial Williamsburg stables on Lafayette Street. The goal was to provide flowers, trees and shrubs along Lafayette Street to screen the railroad tracks and to add color with native plants and trees to this corridor. Plantings were arranged in informal, irregular groupings with a mixture of evergreen and deciduous shrubs and trees.

The City's Landscape Department will purchase the plants and install them sometime before next spring. This is the first of several corridors in the City that the Beautification Advisory Committee will study with any further plans being provided to the Commission when they become available.

Mr. Pons asked if something is being planned for the area around the railroad tracks and the pedestrian tunnel on Lafayette Street. Mrs. Murphy responded that she will check into plans for the area.

## **INFORMATION ITEMS**

- Report from City Council
- Planning Department Monthly Report
- Monthly Financial Statement

There being no further business the meeting adjourned at 5:10 p.m.

Douglas Pons, Chairman  
Williamsburg Planning Commission

## **PUBLIC HEARINGS SCHEDULED FOR JULY 18, 2007**

**PCR #07-020:** Amendment of the Zoning Ordinance by the addition of Article XII. Floodplain Regulations. These regulations comply with the requirements of the National Flood Insurance Program, and are necessary in order for property owners in the City to be eligible for the National Flood Insurance Program.